

12/31/01
1131 U.S. PTO

Patent Application
Attorney's Docket No. 022650-687

10/029876
12/31/01
1131 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a [] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/550,312 filed on April 14, 2000, for INTERMEDIATES FOR PESTICIDAL COMPOSITION COMPRISING ENANTIOMERIC FORM OF FIPRONIL, by the following named inventor(s):

- (a) Full Name Scot Kevin HUBER
- (b) Full Name _____
- (c) Full Name _____

- [] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- [] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- [] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____



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- ☐ Applicant(s) suggests Figure for inclusion on the front page of the patent application publication and/or patent.
1. ☐ Enclosed is a copy of the prior Application No. as originally filed on , including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☒ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	18	MINUS 20 =	0	× \$18.00 (103) =	0
Independent Claims	2	MINUS 3 =	0	× \$84.00 (102) =	0
If multiple dependent claims are presented, add \$280.00 (104)					0.00
Total Application Fee					\$740.00
If small entity status is claimed, subtract 50% of Total Application Fee					0
Add Assignment Recording Fee of \$ <u> </u> if Assignment document is enclosed					0
TOTAL APPLICATION FEE DUE					\$740.00

5. ☐ Charge \$ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 740.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☐ Cancel in this application original claims of the prior application before calculating the filing fee.
9. ☐ New drawings are enclosed.
10. ☒ Domestic Priority of Applications No. 60/129,371 filed on April 15, 1999 in the United States (country) and No. 60/139,892 filed on June 22, 1999 in the United States (country) are claimed under 35 U.S.C. § 119.

☒ The certified copies of the priority applications

☐ is enclosed.

☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.

☒ are not required.

☐ has not yet been filed.

11. ☐ Please amend the specification by inserting before the first line the sentence:

☐ --This application is a ☐ continuation ☐ divisional of Application No. __, filed on __.--.

☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. __ filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __.--.

☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __.--.

12. ☐ A preliminary amendment is enclosed.

13. ☒ An Information Disclosure Statement, IDS Transmittal Letter, Form PTO-1449, and copies of the International Search Report and International Preliminary Examination Report are enclosed.

14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

15. ☒ Also enclosed a Letter Accompanying Filing of Divisional Application Under 37 C.F.R. §1.53(b).

16. ☒ The power of attorney in the prior application is to all partners of BURNS, DOANE, SWECKER & MATHIS, L.L.P., and Mary Katherine Baumeister, Registration No. 26,254.

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ Recognize as Associate Attorney _.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Mary Katherine Baumeister
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: December 31, 2001

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
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(703) 836-6620

☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Scot Kevin HUBER)	
)	
Application No.:)	Group Art Unit: 1626
)	
Filed: December 31, 2001)	Examiner: Robert W. Ramsuer
)	
For: INTERMEDIATES FOR)	37 C.F.R. 1.53(b) Divisional of
PESTICIDAL COMPOSITION)	Application No. 09/550,312,
COMPRISING ENANTIOMERIC)	filed April 14, 2000, now allowed
FORM OF FIPRONIL)	

LETTER ACCOMPANYING FILING OF DIVISIONAL APPLICATION
UNDER 37 C.F.R. §1.53(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The accompanying divisional application claims intermediate compounds originally disclosed and claimed in parent Application No. 09/550,312, filed April 14, 2000; in addition, it claims a process for utilizing said intermediates in the preparation of the composition claimed in the parent application.

Claims 1-18, all of the claims in this divisional application, are fully supported by the parent application as originally filed. The claims of this divisional application are directed to the non-elected Group II invention in the parent, that is, the intermediate compounds claimed in Claim 72 of the parent application as originally filed, and to a process employing those compounds. Present Claim 1 corresponds to parent Claim 72. Claims 2-9 are drawn to preferred aspects of the Claim 1 subject matter, Claim 10 is drawn

to the process, and Claims 11-18 are drawn to preferred aspects of the Claim 10 subject matter. Support for all of the claims is found at least in paragraphs [0023] through [0028] of the specification.

The accompanying application also includes an updated cross-reference to related applications.

Clearly, no new matter has been added.

In view of the foregoing, prompt examination on the merits of all of Claims 1-18 is believed to be in order and is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

P.O. Box 1404
Alexandria, Virginia 22313-1404
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Date: December 31, 2001